

## **REMARKS**

Claims 1-38 remain pending in the application.

### **Section 103(a) Rejection:**

During a telephone call on November 15, 2005 between Applicants' undersigned attorney and Examiner Jacobs, the Examiner stated that the 103(a) rejection is being withdrawn. The Examiner requested a terminal disclaimer to obviate any potential obviousness-type double patenting rejection in regard to application no. 10/090,203. Although Applicants disagree that any such obviousness-type double patenting rejection would be proper, a terminal disclaimer is nevertheless submit herewith for expediency. The application is now ready for allowance.

## CONCLUSION

Applicants submit the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-10500/RCK.

Also submitted herewith are the following items:

☒ Terminal Disclaimer

Respectfully submitted,

/Robert C. Kowert/  
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